

1 streams that flow to them represent a unique and unparalleled resource
2 to the state of Washington with a rich and varied range of freshwater
3 and marine organisms, comprising an interdependent, sensitive communal
4 ecosystem. Residents of this region enjoy a way of life centered
5 around these waters, featuring accessible recreational opportunities,
6 world-class port facilities and water transportation systems, harvest
7 of marine food resources, shoreline-oriented life styles, water-
8 dependent industries, tourism, irreplaceable aesthetics, water for
9 domestic, agricultural, and industrial uses, and other activities, all
10 of which depend upon clean and healthy marine and freshwater resources.

11 (2) The legislature finds that Puget Sound is in serious decline.
12 Symptoms include the decline of some of our most revered species, such
13 as salmon and orcas; increase in aquatic nuisance species; and the
14 conversion of forest lands to cityscapes, which has negatively impacted
15 many birds and mammals, along with altering the flow of rivers and
16 streams. These flow changes begin from land and run to sea, carrying
17 polluted runoff from human development. Closures of beaches to
18 shellfish harvest due to the risk of disease have become more frequent
19 and widespread. In places such as Hood Canal, the Sound's circulatory
20 system is failing, and its inability to maintain sufficient oxygen
21 levels has led to devastating fish kills and the death of other marine
22 life. If left unchecked, these conditions will increase in frequency
23 and will spread to other areas of Puget Sound.

24 (3) The legislature finds that the current system of governance for
25 protection and restoration of Puget Sound is highly fragmented. Twelve
26 counties, more than one hundred cities, seventeen tribes, numerous
27 state and federal agencies, as well as hundreds of special purpose
28 governmental units have responsibilities for managing land use and
29 other actions that benefit or diminish the quality of the environment.
30 Private organizations, business, and citizens are also taking actions
31 that both benefit and harm the rich natural resources of the region.
32 The legislature recognizes that all levels of government need to work
33 together in partnership with the public, tribes, nongovernmental
34 organizations, and the private sector to ensure that Puget Sound will
35 be a thriving natural system, with clean marine and freshwaters; clean
36 sediments; healthy and abundant native species; natural shorelines and
37 places for public enjoyment; and a vibrant economy that prospers in
38 productive harmony with a healthy Puget Sound.

1 (4) The legislature intends for the Puget Sound partnership to
2 define a strategic, basin-wide plan that prioritizes necessary actions,
3 and create an approach that addresses all of the complex connections
4 among the land, water, web of species, and human needs.

5 (5) The legislature finds that immediate and concerted action is
6 needed to save the national treasure that is Puget Sound, and that we
7 must fundamentally change our approach toward restoring the health of
8 Puget Sound. To this end, the Puget Sound partnership is tasked with
9 using, supporting, building upon, and unifying the existing efforts
10 from organizations and from all levels of government.

11 (6) The legislature finds that leadership, accountability,
12 government transparency, thoughtful and responsible spending of public
13 funds, and public involvement are integral to success. To achieve this
14 success, the legislature intends to task the Puget Sound partnership
15 with coordinating and leading the Puget Sound restoration effort,
16 determining accountability for performance, overseeing the efficiency
17 and effectiveness of money spent, educating and engaging the public,
18 and tracking and reporting results to the legislature, the governor,
19 and the public.

20 (7) The legislature intends that the Puget Sound partnership not
21 have regulatory authority, nor authority to transfer the responsibility
22 for, or implementation of, any state regulatory program, unless
23 otherwise specifically authorized by the legislature. The legislature
24 further recognizes that adequate funding is necessary to ensure Puget
25 Sound restoration and protection. The Puget Sound partnership is
26 tasked with supporting local governments and organizations by aiding,
27 funding, and improving upon their existing efforts, by respecting local
28 governments' authorities, and by identifying, funding, and closing the
29 gaps in the collective efforts.

30 (8) The legislature intends the Puget Sound partnership to create
31 an action agenda based on science that includes clear, measurable goals
32 for the recovery of Puget Sound by 2020. The action agenda will
33 prioritize necessary actions, both across the Sound and within specific
34 geographical areas, such as Hood Canal.

35 (9) To this end, it is the goal of the state of Washington that the
36 health of Puget Sound be restored by 2020.

1 NEW SECTION. **Sec. 102.** DEFINITIONS. The definitions in this
2 section apply throughout this chapter unless the context clearly
3 requires otherwise.

4 (1) "2020 plan" means the Puget Sound management plan as it exists
5 on the effective date of this section and as it is modified in the
6 future.

7 (2) "Action agenda" means the biennial work plan to implement the
8 2020 plan as required in section 112 of this act.

9 (3) "Action area" means the geographic areas delineated as provided
10 in section 109 of this act.

11 (4) "Action area coordinator" means an entity recognized by the
12 council under section 110 of this act.

13 (5) "Benchmarks" means scientific standards that can be measured.

14 (6) "Council" means the leadership council.

15 (7) "Ecosystem work group" means the interagency body created in
16 section 111 of this act.

17 (8) "Environmental indicator" means a physical, biological, or
18 chemical measurement, statistic, or value that provides a proximate
19 gauge, or evidence of, the state or condition of Puget Sound.

20 (9) "Nearshore" means the area beginning at the crest of coastal
21 bluffs and extending seaward through the marine photics zone, and to
22 the head of tide in coastal rivers and streams. "Nearshore" also means
23 both shoreline and estuaries

24 (10) "Panel" means the Puget Sound science panel.

25 (11) "Partnership" means the Puget Sound partnership.

26 (12) "Puget Sound" means Puget Sound and related inland marine
27 waters, including all salt waters of the state of Washington inside the
28 international boundary line between Washington and British Columbia,
29 and lying east of the junction of the Pacific Ocean and the Strait of
30 Juan de Fuca, and the rivers and streams draining to Puget Sound as
31 mapped by water resource inventory areas 1 through 19 in WAC 173-500-
32 040 as it exists on the effective date of this section.

33 (13) "Watershed groups" means all groups sponsoring or
34 administering watershed programs, including but not limited to local
35 governments, private sector entities, watershed planning units,
36 watershed councils, regional fishery enhancement groups, marine
37 resource committees, and watershed lead entities.

1 (14) "Watershed programs" means and includes all watershed-level
2 plans, programs, projects, and activities that relate to or may
3 contribute to the protection or restoration of Puget Sound waters.
4 Such programs include jurisdiction-wide programs regardless of whether
5 more than one watershed is addressed.

6 NEW SECTION. **Sec. 103.** PUGET SOUND PARTNERSHIP--LEADERSHIP
7 COUNCIL. (1) An independent agency of state government to be known as
8 the Puget Sound partnership is created.

9 (2) The partnership shall be led by a leadership council consisting
10 of seven citizen members appointed by the governor with the advice and
11 consent of the senate and one ex officio member. The regional
12 administrator of the United States environmental protection agency
13 shall be invited to serve as an ex officio voting member. The ex
14 officio member may designate a person to act in his or her stead when
15 unable to attend a meeting. The governor shall appoint members who are
16 publicly respected and influential, and who have a significant history
17 of success on major public policy and management issues, as well as a
18 keen interest in the environmental and economic prosperity of Puget
19 Sound. A member may not have a direct financial interest in any
20 contract, grant, or other funding provided for the implementation of
21 the 2020 plan or action agenda. The governor shall designate one
22 member to serve as chair. Three of the appointed initial members shall
23 be appointed for a term of two years, two for a term of three years,
24 and two for a term of four years. Their successors shall be appointed
25 for terms of four years each, except that any person chosen to fill a
26 vacancy shall be appointed only for the unexpired term of the member
27 whom he or she succeeds. Councilmembers are eligible for
28 reappointment. Any member of the council may be removed by the
29 governor for cause.

30 (3) The leadership council shall be responsible to the governor,
31 the legislature, and the public for leading the recovery of Puget Sound
32 and achieving results.

33 (4) The leadership council shall have the power and duty to:

34 (a) Provide overall leadership and have overall responsibility for
35 the functions of the partnership and make final decisions for the
36 partnership;

1 (b) Develop, approve, revise, and oversee implementation and
2 adaptive management of the Puget Sound 2020 plan and the biennial
3 action agenda;

4 (c) Submit to the governor and the appropriate fiscal and policy
5 committees of the senate and house of representatives a biennial action
6 agenda with an accompanying biennial budget request;

7 (d) Allocate funds appropriated to the partnership;

8 (e) Review the existing responsibilities of state and local
9 governmental agencies, review the compliance with existing regulatory
10 requirements by state and local government, review and report progress
11 in implementing the 2020 plan and action agenda, including actions
12 inconsistent with plan obligations, as provided in sections 113 through
13 117 of this act, and make recommendations to improve the effectiveness
14 of the programs as they relate to the 2020 plan and action agenda;

15 (f) Review current available funding, identify if adequate funding
16 exists for fulfilling existing regulatory requirements, and develop a
17 strategy to secure adequate funding;

18 (g) Adopt procedural rules, in accordance with chapter 34.05 RCW,
19 necessary or appropriate to implement this chapter;

20 (h) Delineate action areas and recognize area coordinating
21 entities, as provided in sections 109 and 110 of this act;

22 (i) Incorporate approved elements of action area plans into the
23 2020 plan and biennial action agenda, and assist and track
24 implementation of these plans;

25 (j) Appoint members of the panel, as provided in section 105 of
26 this act;

27 (k) Create work groups, subcommittees, advisory committees, and
28 nonprofit corporations, as appropriate to assist the council;

29 (l) Enter into, amend, and terminate contracts with individuals,
30 corporations, or research institutions to effectuate the purposes of
31 this chapter;

32 (m) Make grants to governmental and nongovernmental entities to
33 effectuate the purposes of this chapter;

34 (n) Receive such gifts, grants, and endowments, in trust or
35 otherwise, for the use and benefit of the partnership to effectuate the
36 purposes of this chapter. The partnership may expend the same or any
37 income therefrom according to the terms of the gifts, grants, and
38 endowments;

1 (o) Promote extensive public awareness, education, and
2 participation in Puget Sound protection and recovery and participate in
3 a private-public partnership focused on public education and engagement
4 to effectuate the goals in this chapter;

5 (p) Receive and expend funding from other public agencies;

6 (q) Develop and implement a formal process to review and address
7 citizen concerns regarding developing and implementing the 2020 plan
8 and action agenda, and accountability for funding and actions that are
9 consistent or inconsistent with the requirements of the action agenda;

10 (r) Schedule council meetings periodically in the various areas of
11 Puget Sound at locations convenient for public participation. Each
12 meeting shall include receipt of public comment on council activities.
13 The council shall also work to include in each meeting a discussion of
14 actions implementing the 2020 plan and actions or lack of action that
15 impede plan implementation; and

16 (s) Serve as the regional recovery organization for purposes of
17 chapter 77.85 RCW for Puget Sound salmon recovery as provided in RCW
18 77.85.090.

19 (5) The council may delegate functions to the chair and to the
20 executive director. The council may not delegate its decisional
21 authority regarding developing or amending the action agenda, and
22 issuing progress reports required under subsection (4) of this section.

23 (6) The council shall work closely with existing organizations and
24 all levels of government to ensure that the action agenda and its
25 implementation are scientifically sound, efficient, and achieve
26 necessary results, and that adequate funding is provided to state
27 agencies and local governments to develop, coordinate, and implement
28 the action agenda. The council shall work through recognized area
29 coordinating entities as the principal liaison with existing
30 organizations within an action area.

31 (7) When working with federally recognized Indian tribes to develop
32 and implement the action agenda, the council shall conform to the
33 procedures and standards required in a government-to-governmental
34 relationship with tribes under the 1989 Centennial Accord between the
35 state of Washington and the sovereign tribal governments in the state
36 of Washington.

37 (8) The partnership is designated as the lead state agency for the
38 allocation of federal funds provided to the state for the restoration

1 of Puget Sound. Such funds shall be allocated in conformance with the
2 2020 plan and action agenda, subject to any condition or limitation
3 provided upon the receipt or expenditure of federal funds.

4 (9) Members of the council shall be compensated in accordance with
5 RCW 43.03.220 and be reimbursed for travel expenses in accordance with
6 RCW 43.03.050 and 43.03.060.

7 NEW SECTION. **Sec. 104.** PARTNERSHIP--EXECUTIVE DIRECTOR--POWERS

8 AND DUTIES. (1) The partnership shall be administered by an executive
9 director who serves as a critical communication link between all levels
10 of government, tribes, the private sector, nongovernmental
11 organizations, the council, the area coordinating entities, the
12 ecosystem work group, and the panel. The executive director shall be
13 accountable to the council and the governor for effective
14 communication, actions, and results.

15 (2) The council shall recommend a list of not less than three
16 candidates for appointment as executive director by the governor. The
17 governor shall appoint an executive director from the list of
18 candidates. The council and governor shall jointly conduct an annual
19 performance evaluation of the executive director. The executive
20 director serves at the pleasure of the governor, and may be dismissed
21 by the governor upon consultation with the council. The salary of the
22 executive director shall be set by the governor.

23 (3) The executive director has the following powers and duties:

24 (a) To supervise the administration of the Puget Sound partnership
25 and its staff;

26 (b) To administer the partnership programs and budget;

27 (c) To assist the council to prepare and update the Puget Sound
28 2020 plan, in consultation with the panel;

29 (d) To assist the action area coordinators, the panel, and the
30 ecosystem work group to develop their components of the biennial action
31 agenda;

32 (e) To produce and distribute a strategic science program as
33 described in section 105 of this act, in consultation with the panel
34 and with the approval of the council;

35 (f) To produce and distribute a biennial science work plan as
36 described in section 105 of this act, in consultation with the panel
37 and with the approval of the council;

1 (g) To produce and distribute a biennial state of the Sound report,
2 with the assistance of the panel and the approval of the council, that
3 incorporates a scientific assessment of the health of Puget Sound and
4 the state of its marine life, habitats, water quality, and climate.
5 Until the panel develops new indicators, those indicators used in the
6 2007 state of the Sound report shall be used;

7 (h) To identify successful science-based projects that improve
8 Puget Sound that have been undertaken by local governments, disseminate
9 them to other local governments, and encourage their replication;

10 (i) To represent and promote the interests of the state on Puget
11 Sound recovery issues and further the mission of the partnership;

12 (j) Upon approval of the council, to enter into contracts and
13 agreements with private nonprofit corporations to further preserving,
14 conserving, and enhancing the health of Puget Sound for its ecological
15 value and public benefit and use;

16 (k) To appoint such technical and other committees as may be
17 necessary to carry out the purposes of this chapter;

18 (l) To create and maintain a repository for data, studies,
19 research, and other information relating to Puget Sound health in the
20 state, and to encourage the interchange of such information; and

21 (m) To encourage and provide opportunities for interagency and
22 regional coordination and cooperative efforts between public agencies
23 and between public and private entities involved in the recovery and
24 preservation of Puget Sound.

25 (4) The executive director shall employ a staff, who shall be state
26 employees under Title 41 RCW. The executive director shall prescribe
27 the duties of the staff as may be necessary to implement the purposes
28 of this chapter.

29 NEW SECTION. **Sec. 105.** PUGET SOUND SCIENCE PANEL. (1) The Puget
30 Sound science panel is created. The panel consists of the scientists
31 selected as provided in subsection (2) of this section. The principal
32 purpose of the panel is to provide independent, nonrepresentational
33 scientific expertise in developing environmental indicators and
34 benchmarks for incorporation into the 2020 plan.

35 (2) By November 1, 2007, the council shall solicit nominations of
36 candidate scientists with recognized expertise in the fields essential
37 to Puget Sound recovery, including water quality, wetlands, species

1 recovery, environmental toxicology, geology, ecology, biology,
2 limnology, wildlife management, environmental engineering, civil
3 engineering, hydrology, oceanography, environmental economics, and
4 social sciences. The solicitation should be to all sectors, and
5 candidates may be from all public and private sectors. Candidates must
6 disclose any financial relationship with any leadership council member,
7 and disclose sources of current financial support and contracts
8 relating to Puget Sound recovery.

9 (3) The council shall submit the nominations to the Washington
10 state academy of sciences created in chapter 70.220 RCW for screening.
11 The academy shall review the nominations and report its findings and
12 recommendations to the council.

13 (4) Thereafter, the council shall select not more than fifteen
14 candidates to serve on the panel. The council shall complete the
15 selection of the panel members by January 1, 2008.

16 (5) The panel shall select a chair and a vice-chair. Panel members
17 shall serve four-year terms, except that the panel shall determine
18 initial terms of two, three, four, and five years to provide for
19 staggered terms. The panel shall determine reappointments and select
20 replacements or additional members of the panel. No panel member may
21 serve longer than twelve years.

22 (6) The executive director of the partnership shall provide staff
23 to the panel at least until July 1, 2009. It is the intent of the
24 legislature to ensure ongoing funding for staffing of the panel as an
25 independent entity. The panel shall provide to the council a proposal
26 for the structure and funding of the staffing and administration of the
27 panel independent from that of the partnership, by October 1, 2008.
28 The council shall forward to the governor for inclusion in the 2009-
29 2011 biennial budget a proposal for staffing and administration of the
30 panel that is independent of the partnership.

31 (7) The executive director of the partnership and the science panel
32 shall explore a shared state and federal responsibility for the
33 staffing and administration of the panel. In the event that a
34 federally sponsored office of Puget Sound recovery is created, the
35 council may propose that such office provide for staffing and
36 administration of the panel.

37 (8) The panel to the maximum extent possible should seek to

1 integrate the state-sponsored Puget Sound science program with the
2 Puget Sound science activities of federal agencies, including working
3 toward an integrated research agenda and Puget Sound science work plan.

4 (9) By July 31, 2008, the panel shall identify environmental
5 indicators of the health of Puget Sound, and shall establish
6 environmental benchmarks that need to be achieved to meet the goals of
7 a healthy Puget Sound by 2020. The council shall confer with the panel
8 on incorporating the benchmarks into the 2020 plan.

9 (10) The panel shall assist the council in developing and revising
10 the action agenda, including making recommendations to the council for
11 updates or revisions.

12 (11) The panel shall develop an ecosystem level strategic science
13 program for incorporation by the council into the 2020 plan and
14 biennial action agenda. The program should include:

15 (a) Continuation of the Puget Sound assessment and monitoring
16 program established in the Puget Sound management plan, as provided in
17 RCW 90.71.060, and cooperation with other entities in other regional
18 monitoring programs;

19 (b) Additional provisions of the research and modeling program to
20 be included as an element of the action agenda;

21 (c) A monitoring program, including baselines, protocols,
22 guidelines, and quantifiable performance measures.

23 (12) The panel shall assist the executive director in preparing a
24 biennial science work plan for inclusion in the action agenda. The
25 plan shall include but not be limited to:

26 (a) Identification of recommendations from scientific and technical
27 reports relating to Puget Sound;

28 (b) A description of the Puget Sound-related activities being
29 conducted in the region;

30 (c) Identification of specific biennial science work to be done
31 over the course of the work plan; and

32 (d) Recommendations for improvements to the ongoing science work in
33 Puget Sound.

34 (13) The panel shall prepare a Puget Sound science update. The
35 update shall describe the current scientific understanding of the
36 physical attributes of Puget Sound. The update shall serve as the
37 scientific basis for the refinement of environmental indicators of the

1 health of Puget Sound and the status and trends of those indicators
2 within an ecosystem framework.

3 (14) Members of the panel shall be reimbursed for travel expenses
4 under RCW 43.03.050 and 43.03.060, and based upon the availability of
5 funds, the council may contract with members of the panel for
6 compensation for their services under chapter 39.29 RCW. If appointees
7 to the committee are employed by the federal, state, tribal, or local
8 governments, the council may enter into interagency personnel
9 agreements.

10 **Sec. 106.** RCW 90.71.060 and 1996 c 138 s 7 are each amended to
11 read as follows:

12 In addition to other powers and duties specified in this chapter,
13 the ~~((action team))~~ executive director, under guidance from the panel,
14 shall ensure implementation and coordination of the Puget Sound ambient
15 monitoring program established in the Puget Sound management plan. The
16 program shall include, at a minimum:

17 (1) A research program, including but not limited to methods to
18 provide current research information to managers and scientists, and to
19 establish priorities based on the needs of the action team;

20 (2) A monitoring program, including baselines, protocols,
21 guidelines, and ~~((quantifiable performance measures. In consultation
22 with state agencies, local and tribal governments, and other public and
23 private interests, the action team shall develop and track quantifiable
24 performance measures))~~ environmental indicators. The environmental
25 indicators and benchmarks established by the council and the panel
26 shall be monitored and evaluated in a manner that can be used by the
27 governor and the legislature to assess the effectiveness over time of
28 programs and actions initiated under the plan to improve and protect
29 Puget Sound water quality and biological resources. ~~((The performance
30 measures shall be developed by June 30, 1997. The performance measures
31 shall include, but not be limited to a methodology to track the
32 progress of: Fish and wildlife habitat; sites with sediment
33 contamination; wetlands; shellfish beds; and other key indicators of
34 Puget Sound health. State agencies shall assist the action team in the
35 development and tracking of these performance measures. The
36 performance measures may be limited to a selected geographic area.))~~

1 NEW SECTION. **Sec. 107.** 2020 PLAN AND ACTION AGENDA--GOALS AND
2 OBJECTIVES. (1) The Puget Sound 2020 plan and action agenda that are
3 to be implemented under this chapter shall be organized to achieve the
4 following goals:

5 (a) A healthy human population supported by a healthy Puget Sound
6 that is not threatened by changes in the ecosystem;

7 (b) A quality of human life that is sustained by a functioning
8 Puget Sound ecosystem;

9 (c) Healthy and sustaining populations of native species in Puget
10 Sound, including a robust food web;

11 (d) A healthy Puget Sound where freshwater, estuary, nearshore,
12 marine, and upland habitats are protected, restored, and sustained;

13 (e) An ecosystem that is supported by ground water levels as well
14 as river and stream flow levels sufficient to sustain people, fish, and
15 wildlife, and the natural functions of the environment;

16 (f) Fresh and marine waters and sediments that meet state standards
17 and that are of a sufficient quality so that the waters in the region
18 are safe for drinking, swimming, shellfish harvest and consumption, and
19 other human uses and enjoyment, and are not harmful to the native or
20 established marine mammals, fish, birds, shellfish, and other biota of
21 the region.

22 (2) The following are the essential objectives to be addressed in
23 the 2020 plan and action agenda for achieving the goals in subsection
24 (1) of this section:

25 (a) Protect existing habitat and prevent further losses;

26 (b) Restore habitat functions and values;

27 (c) Significantly reduce toxics entering Puget Sound fresh and
28 marine waters;

29 (d) Significantly reduce nutrients and pathogens entering Puget
30 Sound fresh and marine waters;

31 (e) Improve water quality and habitat by managing storm water
32 runoff;

33 (f) Provide water for people, fish and wildlife, and the
34 environment;

35 (g) Protect ecosystem biodiversity and recover imperiled species;
36 and

37 (h) Build and sustain the capacity for action.

1 (3) The plan and action agenda shall recognize that both population
2 growth in many communities on and near Puget Sound, as well as climate
3 change, will present significant challenges to the recovery of Puget
4 Sound, and the probability of impacts from both should be considered
5 and addressed in the development and implementation of the 2020 plan
6 and action agenda.

7 NEW SECTION. **Sec. 108.** 2020 PLAN AND ACTION AGENDA--DEVELOPMENT.
8 In developing the 2020 plan and action agenda, the council shall
9 consider and use appropriate portions of the Puget Sound water quality
10 management plan existing on the effective date of this section. Until
11 the 2020 plan and action agenda are adopted, the existing Puget Sound
12 management plan and the 2007-09 Puget Sound biennial plan shall remain
13 in effect. The existing Puget Sound management plan shall also
14 continue to serve as the comprehensive conservation and management plan
15 for the purposes of the national estuary program described in section
16 320 of the federal clean water act, until replaced by the 2020 plan and
17 approved by the United States environmental protection agency as the
18 new comprehensive conservation and management plan.

19 NEW SECTION. **Sec. 109.** INCORPORATING PLANS AND PROJECTS. (1) The
20 council shall develop the action agenda in part upon the foundation of
21 existing watershed programs and regional plans that contribute to the
22 health of Puget Sound. To ensure a full consideration of these
23 watershed activities in a timely manner to meet the required date for
24 adoption of the agenda provided in section 112 of this act, the council
25 shall rely largely upon local watershed entities, tribes, cities,
26 counties, special purpose districts, and the private sector, engaged in
27 developing and implementing these programs.

28 (2) The council shall organize the work of incorporating watershed
29 programs into the action agenda by delineating geographic subregions of
30 Puget Sound. One of the subregions shall be the Hood Canal aquatic
31 rehabilitation zone as established in RCW 90.88.010. The subregions
32 collectively shall cover all of Puget Sound and each subregion shall be
33 denominated a Puget Sound action area. The council shall make
34 geographic delineations based upon the characteristics of Puget Sound
35 considering the water flows and the physical structure of the bottom of

1 Puget Sound, as well as the commonality of interests and restoration
2 challenges presented in the various regions of the Sound.

3 (3) The executive director shall designate a member of the staff to
4 serve as the liaison to each action area. The area liaisons shall work
5 with the sponsors of relevant programs at the watershed and regional
6 level to identify and compile all of the relevant actions from these
7 programs into area action plans for consideration by the council. If
8 recognized by the council under section 110 of this act, the liaison
9 shall work with the area coordinating entity to carry out this
10 compilation. If no entity is recognized, the liaison shall form an
11 inclusive work group to carry out this compilation, and shall request
12 the participation at a minimum of each county, tribe, and each city
13 with a population exceeding fifty thousand people, and any cities
14 discharging storm water or treated municipal waste water to Puget Sound
15 or discharging to a tributary within ten river miles of the Sound.

16 (4) The compilation shall be assembled to identify the applicable
17 plan elements, projects, and programs, together with estimated budgets,
18 timelines, and proposed funding sources. The compilation may include
19 a prioritization among the plan elements, projects, and programs. In
20 order to provide the council an adequate opportunity to consider the
21 compilation for incorporation into the 2009-11 action agenda, the first
22 compilation should be transmitted to the council by July 1, 2008.
23 These plans shall subsequently be updated and submitted to the council
24 by July 1st of every even-numbered year through 2018.

25 NEW SECTION. **Sec. 110.** AREA COORDINATING ENTITIES. (1) The
26 council may recognize an existing entity or an entity formed for the
27 express purpose of collaborating with the Puget Sound partnership and
28 the council in developing and implementing the action agenda. A
29 recognized entity serves as the area coordinating entity within an
30 action area delineated by the council. The Hood Canal coordinating
31 council under chapter 90.88 RCW is recognized as the area coordinating
32 entity for the Hood Canal action area. The council shall work toward
33 recognizing an entity in each action area by December 31, 2009.

34 (2) The council shall determine whether to recognize an entity
35 based upon:

36 (a) The evidence of area-wide support for an entity proposed for
37 recognition, such as resolutions or letters of support from the

1 governing bodies of counties, cities, special purpose districts,
2 tribes, nongovernmental organizations, and the private sector,
3 implementing or participating in watershed programs in the area; and

4 (b) The demonstration of the entity's capacity to assist the
5 council in coordinating and integrating watershed programs in the
6 development and implementation of the action agenda.

7 (3) The council may provide financial and technical assistance to
8 a recognized entity or to watershed interests working to form an entity
9 proposed to be recognized as an area coordinating entity. The
10 assistance shall be provided through a memorandum of agreement setting
11 forth the activities of the entity in assisting the council in the
12 development and implementation of the action agenda. The council shall
13 include in its biennial budget request the needed funding to support
14 the work of area coordinating entities.

15 (4) Following compilation of existing watershed plans under section
16 109 of this act, an area coordinating entity serves to promote
17 coordination and integration of watershed plans that address the same
18 geographic areas and the same watershed health, water quality, species
19 recovery, and environmental restoration needs. The coordinator also
20 serves to advise the council on agenda implementation and revisions,
21 and to coordinate the recommendations of area jurisdictions and
22 interests regarding agenda implementation.

23 NEW SECTION. **Sec. 111.** COORDINATING EXISTING PROGRAMS REGARDING
24 PUGET SOUND ECOSYSTEM-LEVEL ACTIONS. (1) The council shall convene a
25 Puget Sound ecosystem work group not later than October 1, 2007. The
26 work group chair shall rotate annually in the following order:

27 (a) The commissioner of public lands, or the commissioner's
28 designee;

29 (b) The director of the department of ecology, or the director's
30 designee;

31 (c) The director of the department of fish and wildlife, or the
32 director's designee; and

33 (d) The chair of the salmon recovery funding board, or the chair's
34 designee.

35 (2) The chair shall invite the following to participate on the work
36 group:

1 (a) The departments of ecology, natural resources, fish and
2 wildlife, health, and community, trade, and economic development, the
3 conservation commission, and the salmon recovery funding board;

4 (b) Three representatives of tribal governments located in the
5 Puget Sound basin;

6 (c) The United States environmental protection agency, the United
7 States army corps of engineers, the national oceanic and atmospheric
8 administration, the United States forest service, and the United States
9 fish and wildlife service; and

10 (d) Up to three nongovernmental organizations implementing or
11 participating in ecosystem-level actions.

12 (3) The chair of the work group may also invite the participation
13 of counties, cities, port districts, or other jurisdictions with
14 significant shoreline and near-shore restoration and protection
15 programs.

16 (4) The primary purpose of the work group is to advise the council
17 by compiling and assembling a 2009-11 action agenda for ecosystem scale
18 restoration and protection plans relating to the Puget Sound basin for
19 the purpose of consideration by the council for incorporation into the
20 Puget Sound action agenda. The work group should work from plans such
21 as the Puget Sound near-shore estuary project, cleanup plans for
22 contaminated aquatic lands and shorelands, aquatic land management
23 plans by the department of natural resources, and other restoration and
24 protection plans. The work group should integrate ecosystem-scale
25 actions from the recovery plans and habitat conservation plans for
26 salmon, orca, and other species in Puget Sound listed under the federal
27 endangered species act. The work group shall integrate as a model the
28 federal assurances and agreements that implement the forests and fish
29 report adopted by chapter 4, Laws of 1999 sp. sess. The work group
30 should coordinate its compilation of ecosystem actions with that of the
31 compilation under section 109 of this act of watershed programs.

32 (5) The work group shall hold one or more public meetings in which
33 public comment and additional information may be submitted for
34 inclusion within the compilation.

35 (6) The work group shall submit the compilation to the council not
36 later than June 1, 2008.

37 (7) The work group shall serve as an ongoing advisory body to the
38 council regarding state and federal programs relating to Puget Sound

1 ecosystem-scale actions. The work group, upon request of the council,
2 shall provide advice on integrating existing plans into the Puget Sound
3 action agenda and implementing the agenda.

4 (8) This section, the work group, and its powers and duties expire
5 June 30, 2011.

6 NEW SECTION. **Sec. 112.** 2020 PLAN AND ACTION AGENDA--REQUIREMENTS.

7 (1) The 2020 plan and action agenda shall be science-based and lead to
8 the recovery of Puget Sound by 2020. The plan shall:

9 (a) Describe the problems affecting Puget Sound's health using
10 supporting scientific data;

11 (b) Set overall goals, measurable outcomes for each goal
12 specifically describing what will be achieved, how it will be
13 quantified, and how progress towards outcomes will be measured, and
14 time-bound benchmarks that will specify the milestones of that progress
15 needed to reach a healthy Puget Sound by 2020. The council shall
16 consult with the panel in developing these elements of the plan;

17 (c) Identify and prioritize the strategies necessary to restore and
18 protect the Puget Sound and to achieve the goals described in section
19 107 of this act; and

20 (d) Identify barriers to implementation and actions needed to
21 overcome the barriers to implementation.

22 (2) On a biennial basis, the action agenda shall:

23 (a) Identify and prioritize the actions necessary to implement the
24 2020 plan and achieve the goals, outcomes, and benchmarks of progress
25 identified in the 2020 plan;

26 (b) Identify the agency, entity, or person responsible for
27 completing the necessary action; and

28 (c) Establish near-term and long-term benchmarks that demonstrate
29 continuous progress toward achieving 2020 goals and describe how
30 progress is to be tracked through clear and quantifiable measures.

31 (3) The 2020 plan and action agenda shall also:

32 (a) Address all geographic areas of Puget Sound including upland
33 areas and tributary rivers and streams that affect Puget Sound, and
34 specific action agenda sections may address specific geographic areas
35 of Puget Sound;

36 (b) Evaluate the effectiveness and efficiency of the overall

1 management system for the improvement and maintenance of the health of
2 the Puget Sound ecosystem;

3 (c) Review, revise as needed, and incorporate as they are
4 developed, the panel's ecosystem goals and quantifiable measures;

5 (d) Integrate, where appropriate, provisions of water quality,
6 sediment quality, water quantity, watershed, marine resource, and other
7 watershed plans, relying primarily upon the integration achieved in
8 area action plans;

9 (e) Incorporate existing plans and agreements signed by the
10 governor, the commissioner of public lands, other state officials, or
11 by federal agencies, that clearly contribute to the protection and
12 restoration of Puget Sound, including agreements to implement the
13 forests and fish report adopted by chapter 4, Laws of 1999 sp. sess.;

14 (f) Incorporate the Puget Sound nearshore ecosystem restoration
15 project authorized by congress under Public Law 8-874, section 209 and
16 Public Law 106-60, with associated plans developed through the Puget
17 Sound nearshore partnership; and

18 (g) Incorporate the science work plan and actions necessary to
19 carry it out.

20 (4) By March 1, 2008, the council shall produce a draft 2020 plan
21 and adopt a final plan by September 1, 2008. The council shall provide
22 opportunity for public review and comment on the proposed 2020 plan and
23 subsequent revisions.

24 (5) By September 1, 2008, based on the work of the action area
25 coordinators and watershed and local interests, the ecosystem work
26 group, and the panel, the council shall adopt the 2009-11 action
27 agenda. After the adoption of the initial action agenda, the council
28 shall revise the action agenda on a biennial basis using an adaptive
29 management process informed by tracking actions and monitoring results
30 in the Puget Sound.

31 (6) The 2020 plan and action agenda shall be organized and
32 maintained in an accessible electronic format and facilitate public
33 accessibility to the plan.

34 NEW SECTION. **Sec. 113.** ACTION AGENDA--IMPLEMENTATION--BUDGET
35 REQUESTS. (1) State agencies implementing elements of the action
36 agenda shall:

1 (a) Provide to the partnership by June 1st of each even-numbered
2 year their estimates of the actions and the level of effort needed for
3 the forthcoming biennium to meet the overall goals, outcomes, targets,
4 and benchmarks in the action agenda; and

5 (b) Work with the partnership in the development of its biennial
6 action agenda budget and seek consistency between the partnership's
7 budget and the agency budget to be submitted to the governor for
8 consideration in the governor's biennial budget request. The agencies
9 shall seek the concurrence of the partnership in the proposed funding
10 levels and sources included in this proposed budget.

11 (2) If a state agency submits an amount inconsistent with the
12 partnership as part of the agency's biennial budget request, the
13 partnership and state agency shall jointly identify the differences,
14 the reasons for these differences, and present this information to the
15 office of financial management by October 1st of each even-numbered
16 year.

17 (3) A state agency seeking federal funding for activities
18 implementing or affecting a provision of the plan shall seek and obtain
19 the comments of the partnership's executive director before submitting
20 the request or application to the federal government. The executive
21 director shall consult with the council chair and provide the comments
22 without delay. This subsection does not apply to continued federal
23 funding of programs in existence before the effective date of this
24 section.

25 NEW SECTION. **Sec. 114.** IMPLEMENTATION--ACCOUNTABILITY. (1) The
26 legislature intends for all local, state, and federal governmental
27 entities to act in conformance with applicable parts of the 2020 plan
28 and action agenda as adopted by the council, beginning with the
29 adoption of the 2020 plan and the 2009-11 action agenda, and
30 anticipates that state and local entities will accept their appropriate
31 responsibility to recover the Sound to health by 2020.

32 (2) The council shall be accountable for achieving the action
33 agenda. The council shall be accountable for all funds allocated to
34 the partnership, and shall report the expenditure of the funds and
35 results achieved in the progress reports required under section 117 of
36 this act.

1 (3) The council shall adopt measures to ensure that funds
2 appropriated for implementation of the action agenda and identified by
3 proviso in the omnibus appropriations act pursuant to RCW
4 43.88.030(1)(g) are expended in a manner that will achieve the intended
5 results. The council may establish performance measures for the
6 expenditures of the funds consistent with the responsibilities and
7 timelines under the action agenda, and require reporting and tracking
8 of funds expended. State agencies may incorporate applicable
9 provisions of the performance measures as conditions in their grant and
10 loan awards to nonstate agencies or organizations. The council may
11 adopt other measures, such as requiring interagency agreements
12 regarding the expenditure of provisoed Puget Sound funds, and
13 scheduling periodic management conferences with state agencies
14 implementing Puget Sound programs.

15 (4) Any entity that receives state funds to implement specific
16 elements of the 2020 plan and action agenda shall report annually to
17 the council on progress in completing its responsibilities and whether
18 expected results have been achieved within the timeframes specified in
19 the 2020 plan and action agenda. Where the council determines that an
20 entity has taken actions inconsistent with the 2020 plan and action
21 agenda or has failed to take actions required, the council may request
22 the office of financial management to withhold or rescind the subject
23 funds or other funds.

24 (5) The council shall review the actions of nonstate entities
25 undertaking implementation of specific elements of the action agenda.
26 If the council determines that an entity's actions are inconsistent
27 with the plan, the council shall offer technical assistance to the
28 entity for the purpose of bringing the entity into conformance with the
29 plan. The council shall include in the progress report required under
30 section 117 of this act the nonperformance of any entity and those
31 entities that refuse technical assistance under this section. The
32 report shall include a description of how the entity is not in
33 conformance and the basis for the nonconformance, including but not
34 limited to a lack of funding, a lack of legal authority, or conflicting
35 legal authority. The report shall also describe actions the council
36 took to try to bring the entity into conformance.

37 (6) The council shall conduct periodic management conferences with
38 state agencies regarding compliance with and enforcement of existing

1 laws. The results of the conferences shall be included in the progress
2 report required under section 117 of this act. The management
3 conference should include assessment of performance by the
4 administering agencies in seeking compliance with and enforcement of
5 the following existing laws:

- 6 (a) Water pollution control act, chapter 90.48 RCW;
- 7 (b) Shoreline management act, chapter 90.58 RCW;
- 8 (c) Growth management act, chapter 36.70A RCW;
- 9 (d) Oil and hazardous substance spill prevention and response act,
10 chapter 90.56 RCW;
- 11 (e) Model toxics control act, chapter 70.105D RCW;
- 12 (f) Hazardous waste management act, chapter 70.105 RCW;
- 13 (g) Hydraulic project approval act, chapter 77.55 RCW;
- 14 (h) Aquatic lands management, chapters 79.100, 79.105, 79.110,
15 79.115, 79.120, 79.125, 79.130, 79.135, and 79.140 RCW;
- 16 (i) Forest practices act, chapter 76.09 RCW; and
- 17 (j) The federal endangered species act, 16 U.S.C. Sec. 1531 et seq.

18 NEW SECTION. **Sec. 115.** ACCOUNTABILITY--ROLE OF COUNCIL. (1) The
19 council shall use accountability measures with respect to all
20 governmental levels or other entities with responsibilities under the
21 action agenda, to determine progress under the action agenda.

22 (2) The council shall develop accountability measures for any
23 entity with responsibilities under the action agenda, to determine
24 compliance with the action agenda and achievements of the results
25 expected. The council shall also work with the entities themselves to
26 identify additional accountability measures, including positive
27 incentives and consequences for inaction.

28 (3) The council shall develop and submit to the legislature
29 recommendations to enhance and phase-in local government accountability
30 measures by September 20, 2008.

31 NEW SECTION. **Sec. 116.** CONFLICT RESOLUTION. (1) The council
32 shall provide a forum for addressing and resolving conflicts that it
33 has identified in the implementation of the plan and action agenda, or
34 that citizens or implementing entities bring to the council. The
35 council may use conflict resolution mechanisms such as but not limited
36 to technical and financial assistance, facilitated discussions, and

1 mediation to resolve the conflict. Where the parties and the council
2 are unable to resolve the conflict, and the conflict significantly
3 impairs the implementation of an element of the 2020 plan or action
4 agenda, the council shall provide its analysis of the conflict and
5 recommendations for resolution to the governor, the legislature, and to
6 those entities with jurisdictional authority to resolve the conflict.

7 (2) When the council identifies or has been informed of a conflict
8 among statutes or policies arising under this chapter and other
9 statutes, rules, ordinances, regulations, or policies that are relied
10 upon in implementing the 2020 plan, and the council determines that the
11 conflict prevents or hinders local government or state agency actions
12 needed to conform with the 2020 plan, the council shall make
13 recommendations to the agency, the governor, the legislature, the local
14 government, or other appropriate entity for addressing and resolving
15 the conflict.

16 NEW SECTION. **Sec. 117.** REPORTS. (1) By September 1, 2008, the
17 council shall provide to the governor and the appropriate fiscal and
18 policy committees of the senate and house of representatives its
19 recommendations for the funding necessary to implement the action
20 agenda through 2020, in order to achieve the 2020 goals of this
21 chapter. The recommendations shall:

22 (a) Identify funding needs by plan element and identify the time
23 periods in which specific funding is needed;

24 (b) Address funding responsibilities among local, state, and
25 federal governments, as well as nongovernmental funding;

26 (c) Identify methods to secure stable and sufficient funding
27 throughout the time periods for plan implementation, including
28 proposals for new sources of funding to be dedicated to Puget Sound
29 protection and recovery; and

30 (d) Address funding needs to support the work of the 2020 plan and
31 action agenda development and coordination, including the action area
32 coordinators, the ecosystem work group, and the panel.

33 (2) Beginning November 1, 2009, the council shall report every two
34 years by November 1st to the governor, the legislature, and the public
35 on progress under the action agenda. The report shall include but is
36 not limited to:

1 (a) The comments by the panel, area coordinating entities, the
2 ecosystem work group, and citizens' concerns reviewed by the council as
3 provided in section 103 of this act;

4 (b) An assessment of whether entities that have received state
5 funds for specific actions under the action agenda have accomplished
6 expected results. If expected results are not achieved by an entity
7 receiving state funds, the council shall include recommendations to the
8 governor and the legislature other options to achieve plan-related
9 results with the same funds;

10 (c) A case study of at least one of the existing programs that
11 assesses that program's efficacy and expenditures devoted to Puget
12 Sound protection and recovery for consistency with the action agenda;

13 (d) Recommendations for funding necessary to maintain the timelines
14 in the 2020 plan, that supplement or update the recommendations made in
15 the 2008 report under subsection (1) of this section; and

16 (e) The council's recognition of individuals, businesses, and
17 governmental entities that have achieved exemplary success in
18 implementing elements of the 2020 plan. The council shall incorporate
19 descriptions of these successful actions into the partnership's public
20 outreach and involvement program materials.

21 (3) Where the council identifies deficiencies in existing statutory
22 authority to accomplish an element of the 2020 plan or action agenda,
23 the council shall provide its recommendations in the form of proposed
24 legislation to the governor and appropriate committees of the
25 legislature. Where the deficient authority is in federal law, the
26 council shall forward its recommendation to the governor and to the
27 appropriate committees of the legislature for consideration in
28 memorializing the congress to remedy the deficiency.

29 NEW SECTION. **Sec. 118.** TRIENNIAL PERFORMANCE AUDITS. (1) The
30 joint legislative audit and review committee shall conduct triennial
31 performance audits of the partnership, with the first audit to be
32 completed October 1, 2011.

33 (2) The audit shall include but not be limited to:

34 (a) A determination of the extent to which funds expended by the
35 partnership or provided in biennial budget acts expressly for
36 implementing the 2020 plan have contributed toward meeting the
37 scientific benchmarks and the recovery goals of the 2020 plan;

1 (b) A determination of the efficiency and effectiveness of the
2 partnership's oversight of action agenda implementation, based upon the
3 achievement of the objectives as measured by the established
4 environmental indicators and benchmarks; and

5 (c) Any recommendations for improvements in the partnership's
6 performance and structure, and to provide accountability for agenda
7 results by action entities.

8 (3) The partnership may use the audits as the basis for developing
9 changes to the 2020 plan and action agenda, and may submit any
10 recommendations requiring legislative policy or budgetary action to the
11 governor and to the appropriate committees of the senate and house of
12 representatives.

13 NEW SECTION. **Sec. 119.** TRANSFER OF POWERS, DUTIES, AND
14 FUNCTIONS--REFERENCES TO CHAIR OF THE PUGET SOUND ACTION TEAM. (1) The
15 Puget Sound action team is hereby abolished and its powers, duties, and
16 functions are hereby transferred to the Puget Sound partnership as
17 consistent with this chapter. All references to the chair or the Puget
18 Sound action team in the Revised Code of Washington shall be construed
19 to mean the executive director or the Puget Sound partnership.

20 (2)(a) All employees of the Puget Sound action team are transferred
21 to the jurisdiction of the Puget Sound partnership.

22 (b) All reports, documents, surveys, books, records, files, papers,
23 or written material in the possession of the Puget Sound action team
24 shall be delivered to the custody of the Puget Sound partnership. All
25 cabinets, furniture, office equipment, motor vehicles, and other
26 tangible property employed by the Puget Sound action team shall be made
27 available to the Puget Sound partnership. All funds, credits, or other
28 assets held by the Puget Sound action team shall be assigned to the
29 Puget Sound partnership.

30 (c) Any appropriations made to the Puget Sound action team shall,
31 on the effective date of this section, be transferred and credited to
32 the Puget Sound partnership.

33 (d) If any question arises as to the transfer of any personnel,
34 funds, books, documents, records, papers, files, equipment, or other
35 tangible property used or held in the exercise of the powers and the
36 performance of the duties and functions transferred, the director of

1 financial management shall make a determination as to the proper
2 allocation and certify the same to the state agencies concerned.

3 (3) All rules and all pending business before the Puget Sound
4 action team shall be continued and acted upon by the Puget Sound
5 partnership. All existing contracts and obligations shall remain in
6 full force and shall be performed by the Puget Sound partnership.

7 (4) The transfer of the powers, duties, functions, and personnel of
8 the Puget Sound action team shall not affect the validity of any act
9 performed before the effective date of this section.

10 (5) If apportionments of budgeted funds are required because of the
11 transfers directed by this section, the director of financial
12 management shall certify the apportionments to the agencies affected,
13 the state auditor, and the state treasurer. Each of these shall make
14 the appropriate transfer and adjustments in funds and appropriation
15 accounts and equipment records in accordance with the certification.

16 (6) Nothing contained in this section may be construed to alter any
17 existing collective bargaining unit or the provisions of any existing
18 collective bargaining agreement until the agreement has expired or
19 until the bargaining unit has been modified by action of the public
20 employment relations commission as provided by law.

21 NEW SECTION. **Sec. 120.** PUGET SOUND RECOVERY ACCOUNT. The Puget
22 Sound recovery account is created in the state treasury. To the
23 account shall be deposited such funds as the legislature directs or
24 appropriates to the account. There shall also be deposited to the
25 account federal funds provided to the state for the protection and
26 recovery of Puget Sound except where such deposit would conflict with
27 federal law or a condition upon the state's receipt of such funds.
28 Moneys in the account may be spent only after appropriation.
29 Expenditures from the account may be used for the protection and
30 recovery of Puget Sound.

31 NEW SECTION. **Sec. 121.** Each state agency responsible for
32 implementing provisions of the Puget Sound action agenda developed
33 under section 108 of this act shall use its existing legal authorities
34 to the fullest extent possible to conform to the applicable
35 requirements and timelines of the agenda.

1 (5) The (~~action team~~) department of health may recover the costs
2 to administer this program not to exceed ten percent of the shellfish
3 - on-site sewage grant program.

4 (~~(6) For the 2001-2003 biennium, the action team may use up to~~
5 ~~fifty percent of the shellfish on-site sewage grant program funds for~~
6 ~~grants to local health jurisdictions to establish areas of special~~
7 ~~concern under WAC 246-272-01001, or for operation and maintenance~~
8 ~~programs therein, where commercial and recreational uses are present.~~)

9 NEW SECTION. **Sec. 124.** A new section is added to chapter 41.06
10 RCW to read as follows:

11 In addition to the exemptions under RCW 41.06.070, the provisions
12 of this chapter shall not apply in the Puget Sound partnership to the
13 executive director, one confidential secretary, and all professional
14 staff.

15 **Sec. 125.** RCW 43.17.010 and 2006 c 265 s 111 are each amended to
16 read as follows:

17 There shall be departments of the state government which shall be
18 known as (1) the department of social and health services, (2) the
19 department of ecology, (3) the department of labor and industries, (4)
20 the department of agriculture, (5) the department of fish and wildlife,
21 (6) the department of transportation, (7) the department of licensing,
22 (8) the department of general administration, (9) the department of
23 community, trade, and economic development, (10) the department of
24 veterans affairs, (11) the department of revenue, (12) the department
25 of retirement systems, (13) the department of corrections, (14) the
26 department of health, (15) the department of financial institutions,
27 (16) the department of archaeology and historic preservation, (~~and~~)
28 (17) the department of early learning, and (18) the Puget Sound
29 partnership, which shall be charged with the execution, enforcement,
30 and administration of such laws, and invested with such powers and
31 required to perform such duties, as the legislature may provide.

32 **Sec. 126.** RCW 43.17.020 and 2006 c 265 s 112 are each amended to
33 read as follows:

34 There shall be a chief executive officer of each department to be
35 known as: (1) The secretary of social and health services, (2) the

1 director of ecology, (3) the director of labor and industries, (4) the
2 director of agriculture, (5) the director of fish and wildlife, (6) the
3 secretary of transportation, (7) the director of licensing, (8) the
4 director of general administration, (9) the director of community,
5 trade, and economic development, (10) the director of veterans affairs,
6 (11) the director of revenue, (12) the director of retirement systems,
7 (13) the secretary of corrections, (14) the secretary of health, (15)
8 the director of financial institutions, (16) the director of the
9 department of archaeology and historic preservation, (~~and~~) (17) the
10 director of early learning, and (18) the executive director of the
11 Puget Sound partnership.

12 Such officers, except the director of fish and wildlife, shall be
13 appointed by the governor, with the consent of the senate, and hold
14 office at the pleasure of the governor. The director of fish and
15 wildlife shall be appointed by the fish and wildlife commission as
16 prescribed by RCW 77.04.055.

17 **Sec. 127.** RCW 42.17.2401 and 2006 c 265 s 113 are each amended to
18 read as follows:

19 For the purposes of RCW 42.17.240, the term "executive state
20 officer" includes:

21 (1) The chief administrative law judge, the director of
22 agriculture, the administrator of the Washington basic health plan, the
23 director of the department of services for the blind, the director of
24 the state system of community and technical colleges, the director of
25 community, trade, and economic development, the secretary of
26 corrections, the director of early learning, the director of ecology,
27 the commissioner of employment security, the chair of the energy
28 facility site evaluation council, the secretary of the state finance
29 committee, the director of financial management, the director of fish
30 and wildlife, the executive secretary of the forest practices appeals
31 board, the director of the gambling commission, the director of general
32 administration, the secretary of health, the administrator of the
33 Washington state health care authority, the executive secretary of the
34 health care facilities authority, the executive secretary of the higher
35 education facilities authority, the executive secretary of the horse
36 racing commission, the executive secretary of the human rights
37 commission, the executive secretary of the indeterminate sentence

1 review board, the director of the department of information services,
2 the director of the interagency committee for outdoor recreation, the
3 executive director of the state investment board, the director of labor
4 and industries, the director of licensing, the director of the lottery
5 commission, the director of the office of minority and women's business
6 enterprises, the director of parks and recreation, the director of
7 personnel, the executive director of the public disclosure commission,
8 the executive director of the Puget Sound partnership, the director of
9 retirement systems, the director of revenue, the secretary of social
10 and health services, the chief of the Washington state patrol, the
11 executive secretary of the board of tax appeals, the secretary of
12 transportation, the secretary of the utilities and transportation
13 commission, the director of veterans affairs, the president of each of
14 the regional and state universities and the president of The Evergreen
15 State College, and each district and each campus president of each
16 state community college;

17 (2) Each professional staff member of the office of the governor;

18 (3) Each professional staff member of the legislature; and

19 (4) Central Washington University board of trustees, board of
20 trustees of each community college, each member of the state board for
21 community and technical colleges, state convention and trade center
22 board of directors, committee for deferred compensation, Eastern
23 Washington University board of trustees, Washington economic
24 development finance authority, The Evergreen State College board of
25 trustees, executive ethics board, forest practices appeals board,
26 forest practices board, gambling commission, life sciences discovery
27 fund authority board of trustees, Washington health care facilities
28 authority, each member of the Washington health services commission,
29 higher education coordinating board, higher education facilities
30 authority, horse racing commission, state housing finance commission,
31 human rights commission, indeterminate sentence review board, board of
32 industrial insurance appeals, information services board, interagency
33 committee for outdoor recreation, state investment board, commission on
34 judicial conduct, legislative ethics board, liquor control board,
35 lottery commission, marine oversight board, Pacific Northwest electric
36 power and conservation planning council, parks and recreation
37 commission, (~~personnel appeals board,~~) board of pilotage
38 commissioners, pollution control hearings board, public disclosure

1 commission, public pension commission, shorelines hearing board, public
2 employees' benefits board, salmon recovery funding board, board of tax
3 appeals, transportation commission, University of Washington board of
4 regents, utilities and transportation commission, Washington state
5 maritime commission, Washington personnel resources board, Washington
6 public power supply system executive board, Washington State University
7 board of regents, Western Washington University board of trustees, and
8 fish and wildlife commission.

9 NEW SECTION. **Sec. 128.** A new section is added to chapter 90.71
10 RCW to read as follows:

11 Each county responsible for implementing provisions of the Puget
12 Sound action agenda developed under section 108 of this act shall use
13 its existing legal authorities to the best of its ability when
14 implementing the applicable requirements and timelines of the Puget
15 Sound action agenda adopted under section 112 of this act.

16 NEW SECTION. **Sec. 129.** A new section is added to chapter 90.71
17 RCW to read as follows:

18 Each city responsible for implementing provisions of the Puget
19 Sound action agenda developed under section 108 of this act shall use
20 its existing legal authorities to the best of its ability when
21 implementing the applicable requirements and timelines of the Puget
22 Sound action agenda adopted under section 112 of this act.

23 NEW SECTION. **Sec. 130.** A new section is added to chapter 90.71
24 RCW to read as follows:

25 Each port district responsible for implementing provisions of the
26 Puget Sound action agenda developed under section 108 of this act shall
27 use its existing legal authorities to the best of its ability when
28 implementing the applicable requirements and timelines of the Puget
29 Sound action agenda adopted under section 112 of this act.

30 **Sec. 131.** RCW 77.85.090 and 2005 c 309 s 7 are each amended to
31 read as follows:

32 (1) The southwest Washington salmon recovery region, whose
33 boundaries are provided in chapter 60, Laws of 1998, is created.

1 (2) Lead entities within a salmon recovery region that agree to
2 form a regional salmon recovery organization may be recognized by the
3 salmon recovery office as a regional recovery organization. The
4 regional recovery organization may plan, coordinate, and monitor the
5 implementation of a regional recovery plan in accordance with RCW
6 77.85.150. Regional recovery organizations existing as of July 24,
7 2005, that have developed draft recovery plans approved by the
8 governor's salmon recovery office by July 1, 2005, may continue to
9 plan, coordinate, and monitor the implementation of regional recovery
10 plans.

11 (3) Beginning January 1, 2008, the leadership council, created
12 under chapter 90.71 RCW, shall serve as the regional salmon recovery
13 organization for Puget Sound salmon species. The Hood Canal
14 coordinating council under chapter 90.88 RCW serves as the regional
15 salmon recovery organization for the Hood Canal summer chum.

16 **PART 2**
17 **INFRASTRUCTURE FUNDING FOR THE PUGET SOUND PARTNERSHIP**

18 NEW SECTION. **Sec. 201.** The legislature finds that it is in the
19 public interest that state-assisted infrastructure projects in the
20 Puget Sound basin that relate to or affect Puget Sound's protection and
21 restoration be financed with a comprehensive understanding of
22 Sound-wide priorities and needs consistent with the goals and
23 objectives of the Puget Sound action agenda. The legislature further
24 finds that this may best be accomplished by integrating the Puget Sound
25 2020 plan's goals and objectives into existing financial assistance
26 programs, processes, and project ranking criteria. Therefore the
27 legislature intends to provide initial steps for such integration in
28 three major public works grant and loan programs, and to direct a
29 comprehensive assessment of methods to achieve such integration in
30 these programs and other state infrastructure programs that affect
31 Puget Sound's protection and restoration.

32 **Sec. 202.** RCW 43.155.020 and 2001 c 131 s 1 are each amended to
33 read as follows:

34 Unless the context clearly requires otherwise, the definitions in
35 this section shall apply throughout this chapter.

1 (1) "Board" means the public works board created in RCW 43.155.030.

2 (2) "Capital facility plan" means a capital facility plan required
3 by the growth management act under chapter 36.70A RCW or, for local
4 governments not fully planning under the growth management act, a plan
5 required by the public works board.

6 (3) "Council" means the Puget Sound partnership's leadership
7 council created in section 103 of this act.

8 (4) "Department" means the department of community, trade, and
9 economic development.

10 ((+4)) (5) "Financing guarantees" means the pledge of money in the
11 public works assistance account, or money to be received by the public
12 works assistance account, to the repayment of all or a portion of the
13 principal of or interest on obligations issued by local governments to
14 finance public works projects.

15 ((+5)) (6) "Local governments" means cities, towns, counties,
16 special purpose districts, and any other municipal corporations or
17 quasi-municipal corporations in the state excluding school districts
18 and port districts.

19 ((+6)) (7) "Public works project" means a project of a local
20 government for the planning, acquisition, construction, repair,
21 reconstruction, replacement, rehabilitation, or improvement of streets
22 and roads, bridges, water systems, or storm and sanitary sewage systems
23 and solid waste facilities, including recycling facilities. A planning
24 project may include the compilation of biological, hydrological, or
25 other data on a county, drainage basin, or region necessary to develop
26 a base of information for a capital facility plan.

27 ((+7)) (8) "Puget Sound applications" means those applications for
28 funding of public works projects located within water resource
29 inventory areas 1 through 19 in WAC 173-500-040 as it exists on the
30 effective date of this section.

31 (9) "Puget Sound 2020 plan" means the plan for the protection and
32 restoration of Puget Sound required by section 112 of this act.

33 (10) "Solid waste or recycling project" means remedial actions
34 necessary to bring abandoned or closed landfills into compliance with
35 regulatory requirements and the repair, restoration, and replacement of
36 existing solid waste transfer, recycling facilities, and landfill
37 projects limited to the opening of landfill cells that are in existing
38 and permitted landfills.

1 (~~(8)~~) (11) "Technical assistance" means training and other
2 services provided to local governments to: (a) Help such local
3 governments plan, apply, and qualify for loans and financing guarantees
4 from the board, and (b) help local governments improve their ability to
5 plan for, finance, acquire, construct, repair, replace, rehabilitate,
6 and maintain public facilities.

7 **Sec. 203.** RCW 43.155.070 and 2001 c 131 s 5 are each amended to
8 read as follows:

9 (1) To qualify for loans or pledges under this chapter the board
10 must determine that a local government meets all of the following
11 conditions:

12 (a) The city or county must be imposing a tax under chapter 82.46
13 RCW at a rate of at least one-quarter of one percent;

14 (b) The local government must have developed a capital facility
15 plan; and

16 (c) The local government must be using all local revenue sources
17 which are reasonably available for funding public works, taking into
18 consideration local employment and economic factors.

19 (2) Except where necessary to address a public health need or
20 substantial environmental degradation, a county, city, or town planning
21 under RCW 36.70A.040 must have adopted a comprehensive plan, including
22 a capital facilities plan element, and development regulations as
23 required by RCW 36.70A.040. This subsection does not require any
24 county, city, or town planning under RCW 36.70A.040 to adopt a
25 comprehensive plan or development regulations before requesting or
26 receiving a loan or loan guarantee under this chapter if such request
27 is made before the expiration of the time periods specified in RCW
28 36.70A.040. A county, city, or town planning under RCW 36.70A.040
29 which has not adopted a comprehensive plan and development regulations
30 within the time periods specified in RCW 36.70A.040 is not prohibited
31 from receiving a loan or loan guarantee under this chapter if the
32 comprehensive plan and development regulations are adopted as required
33 by RCW 36.70A.040 before submitting a request for a loan or loan
34 guarantee.

35 (3) In considering awarding loans for public facilities to special
36 districts requesting funding for a proposed facility located in a
37 county, city, or town planning under RCW 36.70A.040, the board shall

1 consider whether the county, city, or town planning under RCW
2 36.70A.040 in whose planning jurisdiction the proposed facility is
3 located has adopted a comprehensive plan and development regulations as
4 required by RCW 36.70A.040.

5 (4) The board shall develop a priority process for public works
6 projects as provided in this section. The intent of the priority
7 process is to maximize the value of public works projects accomplished
8 with assistance under this chapter. The board shall attempt to assure
9 a geographical balance in assigning priorities to projects. The board
10 shall consider at least the following factors in assigning a priority
11 to a project:

12 (a) Whether the local government receiving assistance has
13 experienced severe fiscal distress resulting from natural disaster or
14 emergency public works needs;

15 (b) The evaluation of Puget Sound applications under section 204 of
16 this act, and the recommendations of the council regarding Puget Sound
17 applications;

18 (c) Whether the project is critical in nature and would affect the
19 health and safety of a great number of citizens;

20 ~~((+e))~~ (d) The cost of the project compared to the size of the
21 local government and amount of loan money available;

22 ~~((+d))~~ (e) The number of communities served by or funding the
23 project;

24 ~~((+e))~~ (f) Whether the project is located in an area of high
25 unemployment, compared to the average state unemployment;

26 ~~((+f))~~ (g) Whether the project is the acquisition, expansion,
27 improvement, or renovation by a local government of a public water
28 system that is in violation of health and safety standards, including
29 the cost of extending existing service to such a system;

30 ~~((+g))~~ (h) The relative benefit of the project to the community,
31 considering the present level of economic activity in the community and
32 the existing local capacity to increase local economic activity in
33 communities that have low economic growth; and

34 ~~((+h))~~ (i) Other criteria that the board considers advisable.

35 (5) Existing debt or financial obligations of local governments
36 shall not be refinanced under this chapter. Each local government
37 applicant shall provide documentation of attempts to secure additional

1 local or other sources of funding for each public works project for
2 which financial assistance is sought under this chapter.

3 (6) Before November 1st of each year, the board shall develop and
4 submit to the appropriate fiscal committees of the senate and house of
5 representatives a description of the loans made under RCW 43.155.065,
6 43.155.068, and subsection (9) of this section during the preceding
7 fiscal year and a prioritized list of projects which are recommended
8 for funding by the legislature, including one copy to the staff of each
9 of the committees. The list shall include, but not be limited to, a
10 description of each project and recommended financing, the terms and
11 conditions of the loan or financial guarantee, the local government
12 jurisdiction and unemployment rate, demonstration of the jurisdiction's
13 critical need for the project and documentation of local funds being
14 used to finance the public works project. The list shall also include
15 measures of fiscal capacity for each jurisdiction recommended for
16 financial assistance, compared to authorized limits and state averages,
17 including local government sales taxes; real estate excise taxes;
18 property taxes; and charges for or taxes on sewerage, water, garbage,
19 and other utilities.

20 (7) The board shall not sign contracts or otherwise financially
21 obligate funds from the public works assistance account before the
22 legislature has appropriated funds for a specific list of public works
23 projects. The legislature may remove projects from the list
24 recommended by the board. The legislature shall not change the order
25 of the priorities recommended for funding by the board.

26 (8) Subsection (7) of this section does not apply to loans made
27 under RCW 43.155.065, 43.155.068, and subsection (9) of this section.

28 (9) Loans made for the purpose of capital facilities plans shall be
29 exempted from subsection (7) of this section.

30 (10) To qualify for loans or pledges for solid waste or recycling
31 facilities under this chapter, a city or county must demonstrate that
32 the solid waste or recycling facility is consistent with and necessary
33 to implement the comprehensive solid waste management plan adopted by
34 the city or county under chapter 70.95 RCW.

35 NEW SECTION. **Sec. 204.** A new section is added to chapter 43.155
36 RCW to read as follows:

37 (1) The board shall include at least one evaluator from the council

1 staff to participate in the board's evaluation team for the evaluation
2 of Puget Sound sanitary and storm sewer project applications and the
3 development of a prioritized list of projects to recommend for funding
4 from the account.

5 (2) The board shall provide the evaluation team's evaluations and
6 award proposals to the council for review. If the council determines
7 that the award proposals are inconsistent with the priorities and
8 provisions of the Puget Sound 2020 plan, the council shall provide its
9 recommendations to the board for its consideration before adopting a
10 funding list for recommendation to the legislature. If the board
11 determines to fund a proposal that the council has found inconsistent
12 with the priorities of the action agenda, the board shall provide the
13 council its reasons.

14 (3) The board and council shall collaborate in reviewing the
15 board's eligibility and evaluation criteria to ensure consistency with
16 the goals and objectives of the Puget Sound 2020 plan.

17 **Sec. 205.** RCW 70.146.020 and 1995 2nd sp.s. c 18 s 920 are each
18 amended to read as follows:

19 (~~Unless the context clearly requires otherwise,~~) The definitions
20 in this section apply throughout this chapter unless the context
21 clearly requires otherwise.

22 (1) "Account" means the water quality account in the state
23 treasury.

24 (2) "Council" means the Puget Sound partnership's leadership
25 council created in section 103 of this act.

26 (3) "Department" means the department of ecology.

27 (~~(3)~~) (4) "Eligible cost" means the cost of that portion of a
28 water pollution control facility that can be financed under this
29 chapter excluding any portion of a facility's cost attributable to
30 capacity that is in excess of that reasonably required to address one
31 hundred ten percent of the applicant's needs for water pollution
32 control existing at the time application is submitted for assistance
33 under this chapter.

34 (~~(4)~~) (5) "Puget Sound 2020 plan" means the plan for the
35 protection and restoration of Puget Sound required by section 112 of
36 this act.

1 (6) "Puget Sound applications" means those applications for funding
2 of water pollution control facilities and activities located within
3 water resource inventory areas 1 through 19 in WAC 173-500-040 as it
4 exists on the effective date of this section.

5 (7) "Water pollution control facility" or "facilities" means any
6 facilities or systems for the control, collection, storage, treatment,
7 disposal, or recycling of wastewater, including but not limited to
8 sanitary sewage, storm water, residential, commercial, industrial, and
9 agricultural wastes, which are causing water quality degradation due to
10 concentrations of conventional, nonconventional, or toxic pollutants.
11 Water pollution control facilities include all equipment, utilities,
12 structures, real property, and interests in and improvements on real
13 property necessary for or incidental to such purpose. Water pollution
14 control facilities also include such facilities, equipment, and
15 collection systems as are necessary to protect federally designated
16 sole source aquifers. "Water pollution control facilities" also
17 includes facilities or systems that treat storm water discharges or
18 delay peak storm water runoff, such as low-impact development projects.

19 ~~((+5))~~ (8) "Water pollution control activities" means actions
20 taken by a public body for the following purposes: (a) To prevent or
21 mitigate pollution of underground water; (b) to control nonpoint
22 sources of water pollution; (c) to restore the water quality of fresh
23 water lakes; and (d) to maintain or improve water quality through the
24 use of water pollution control facilities or other means. ~~((During the~~
25 ~~1995-1997 fiscal biennium, "water pollution control activities"~~
26 ~~includes activities by state agencies to protect public drinking water~~
27 ~~supplies and sources.~~

28 ~~(+6))~~ (9) "Public body" means the state of Washington or any
29 agency, county, city or town, conservation district, other political
30 subdivision, municipal corporation, quasi-municipal corporation, and
31 those Indian tribes now or hereafter recognized as such by the federal
32 government.

33 ~~((+7))~~ (10) "Water pollution" means such contamination, or other
34 alteration of the physical, chemical, or biological properties of any
35 waters of the state, including change in temperature, taste, color,
36 turbidity, or odor of the waters, or such discharge of any liquid,
37 gaseous, solid, radioactive, or other substance into any waters of the
38 state as will or is likely to create a nuisance or render such waters

1 harmful, detrimental, or injurious to the public health, safety, or
2 welfare, or to domestic, commercial, industrial, agricultural,
3 recreational, or other legitimate beneficial uses, or to livestock,
4 wild animals, birds, fish, or other aquatic life.

5 ~~((+8))~~ (11) "Nonpoint source water pollution" means pollution that
6 enters any waters of the state from any dispersed water-based or land-
7 use activities, including, but not limited to, atmospheric deposition,
8 surface water runoff from agricultural lands, urban areas, and forest
9 lands, subsurface or underground sources, and discharges from boats or
10 other marine vessels.

11 ~~((+9))~~ (12) "Sole source aquifer" means the sole or principal
12 source of public drinking water for an area designated by the
13 administrator of the environmental protection agency pursuant to Public
14 Law 93-523, Sec. 1424(b).

15 **Sec. 206.** RCW 70.146.070 and 1999 c 164 s 603 are each amended to
16 read as follows:

17 (1) When making grants or loans for water pollution control
18 facilities, the department shall consider the following:

19 (a) The protection of water quality and public health;

20 (b) The cost to residential ratepayers if they had to finance water
21 pollution control facilities without state assistance;

22 (c) Actions required under federal and state permits and compliance
23 orders;

24 (d) The level of local fiscal effort by residential ratepayers
25 since 1972 in financing water pollution control facilities;

26 (e) The extent to which the applicant county or city, or if the
27 applicant is another public body, the extent to which the county or
28 city in which the applicant public body is located, has established
29 programs to mitigate nonpoint pollution of the surface or subterranean
30 water sought to be protected by the water pollution control facility
31 named in the application for state assistance; and

32 (f) The recommendations of the Puget Sound ~~((action—team))~~
33 partnership provided under section 207 of this act and any other board,
34 council, commission, or group established by the legislature or a state
35 agency to study water pollution control issues in the state.

36 (2) Except where necessary to address a public health need or
37 substantial environmental degradation, a county, city, or town planning

1 under RCW 36.70A.040 may not receive a grant or loan for water
2 pollution control facilities unless it has adopted a comprehensive
3 plan, including a capital facilities plan element, and development
4 regulations as required by RCW 36.70A.040. This subsection does not
5 require any county, city, or town planning under RCW 36.70A.040 to
6 adopt a comprehensive plan or development regulations before requesting
7 or receiving a grant or loan under this chapter if such request is made
8 before the expiration of the time periods specified in RCW 36.70A.040.
9 A county, city, or town planning under RCW 36.70A.040 which has not
10 adopted a comprehensive plan and development regulations within the
11 time periods specified in RCW 36.70A.040 is not prohibited from
12 receiving a grant or loan under this chapter if the comprehensive plan
13 and development regulations are adopted as required by RCW 36.70A.040
14 before submitting a request for a grant or loan.

15 (3) Whenever the department is considering awarding grants or loans
16 for public facilities to special districts requesting funding for a
17 proposed facility located in a county, city, or town planning under RCW
18 36.70A.040, it shall consider whether the county, city, or town
19 planning under RCW 36.70A.040 in whose planning jurisdiction the
20 proposed facility is located has adopted a comprehensive plan and
21 development regulations as required by RCW 36.70A.040.

22 NEW SECTION. **Sec. 207.** A new section is added to chapter 70.146
23 RCW to read as follows:

24 (1) The department shall include at least one evaluator from the
25 council staff to participate in the department's evaluator work group
26 for the evaluation of Puget Sound applications and the award of grants
27 and loans to such applicants.

28 (2) The department shall provide the evaluator work group
29 evaluations and award proposals to the council for review. If the
30 council determines that the award proposals are inconsistent with the
31 priorities and provisions of the action agenda, the council shall
32 provide its recommendations to the department for its consideration
33 before making final award decisions. If the board determines to fund
34 a proposal that the council has found inconsistent with the priorities
35 of the action agenda, the board shall provide the council its reasons.

36 (3) The department and council shall collaborate in reviewing the

1 department's eligibility and rating criteria to ensure consistency with
2 the goals and objectives of the Puget Sound action agenda.

3 **Sec. 208.** RCW 90.50A.010 and 1988 c 284 s 2 are each amended to
4 read as follows:

5 ~~((Unless the context clearly requires otherwise,))~~ The definitions
6 in this section apply throughout this chapter unless the context
7 clearly requires otherwise.

8 (1) "Council" means the Puget Sound partnership's leadership
9 council created in section 103 of this act.

10 (2) "Department" means the department of ecology.

11 ~~((+2))~~ (3) "Eligible cost" means the cost of that portion of a
12 water pollution control facility or activity that can be financed under
13 this chapter.

14 ~~((+3))~~ (4) "Fund" means the water pollution control revolving fund
15 in the custody of the state treasurer.

16 ~~((+4))~~ (5) "Puget Sound 2020 plan" means the plan for the
17 protection and restoration of Puget Sound required by section 112 of
18 this act.

19 (6) "Puget Sound applications" means those applications for funding
20 of water pollution control facilities and activities located within
21 water resource inventory areas 1 through 19 in WAC 173-500-040 as it
22 exists on the effective date of this section.

23 (7) "Water pollution control facility" or "water pollution control
24 facilities" means any facilities or systems owned or operated by a
25 public body for the control, collection, storage, treatment, disposal,
26 or recycling of wastewater, including but not limited to sanitary
27 sewage, storm water, combined sewer overflows, residential, commercial,
28 industrial, and agricultural wastes, which are causing water quality
29 degradation due to concentrations of conventional, nonconventional, or
30 toxic pollutants. Water pollution control facilities include all
31 equipment, utilities, structures, real property, and interests in and
32 improvements on real property necessary for or incidental to such
33 purpose. Water pollution control facilities also include such
34 facilities, equipment, and collection systems as are necessary to
35 protect federally designated sole source aquifers. "Water pollution
36 control facilities" also includes facilities or systems that treat

1 storm water discharges or delay peak storm water runoff, such as low-
2 impact development projects.

3 ((+5+)) (8) "Water pollution control activities" means actions
4 taken by a public body for the following purposes: (a) To control
5 nonpoint sources of water pollution; (b) to develop and implement a
6 comprehensive management plan for estuaries; and (c) to maintain or
7 improve water quality through the use of water pollution control
8 facilities or other means.

9 ((+6+)) (9) "Public body" means the state of Washington or any
10 agency, county, city or town, other political subdivision, municipal
11 corporation or quasi-municipal corporation, and those Indian tribes now
12 or hereafter recognized as such by the federal government.

13 ((+7+)) (10) "Water pollution" means such contamination, or other
14 alteration of the physical, chemical, or biological properties of any
15 waters of the state, including change in temperature, taste, color,
16 turbidity, or odor of the waters, or such discharge of any liquid,
17 gaseous, solid, radioactive, or other substance into any waters of the
18 state as will or is likely to create a nuisance or render such waters
19 harmful, detrimental, or injurious to the public health, safety, or
20 welfare, or to domestic, commercial, industrial, agricultural,
21 recreational, or other legitimate beneficial uses, or to livestock,
22 wild animals, birds, fish, or other aquatic life.

23 ((+8+)) (11) "Nonpoint source water pollution" means pollution that
24 enters any waters of the state from any dispersed water-based or land-
25 use activities, including, but not limited to, atmospheric deposition,
26 surface water runoff from agricultural lands, urban areas, and forest
27 lands, subsurface or underground sources, and discharges from boats or
28 other marine vessels.

29 ((+9+)) (12) "Federal capitalization grants" means grants from the
30 federal government provided by the water quality act of 1987 (P.L. 100-
31 4).

32 NEW SECTION. Sec. 209. A new section is added to chapter 90.50A
33 RCW to read as follows:

34 (1) The department shall include at least one evaluator from the
35 council staff to participate in the department's evaluator work group
36 for the evaluation of Puget Sound applications and the award of loans
37 to such applicants.

1 (2) The department and council shall collaborate in reviewing the
2 department's eligibility and rating criteria to ensure consistency with
3 the goals and objectives of the Puget Sound action agenda.

4 (3) The department shall provide the evaluator work group
5 evaluations and award proposals to the council for review. If the
6 council determines that the award proposals are inconsistent with the
7 priorities and provisions of the action agenda, the council shall
8 provide its recommendations to the department for its consideration
9 before making final award decisions. If the board determines to fund
10 a proposal that the council has found inconsistent with the priorities
11 of the action agenda, the board shall provide the council its reasons.

12 **PART 3**

13 **MISCELLANEOUS PROVISIONS**

14 NEW SECTION. **Sec. 301.** (1) The Puget Sound partnership's
15 leadership council, created in section 103 of this act, shall review
16 the following state funding programs that provide state funding for
17 facilities and activities that may contribute to the implementation of
18 the Puget Sound agenda:

- 19 (a) The water quality account, chapter 70.146 RCW;
- 20 (b) The water pollution control revolving fund, chapter 90.50A RCW;
- 21 (c) The public works assistance account, chapter 43.155 RCW;
- 22 (d) The aquatic lands enhancement account, RCW 79.105.150;
- 23 (e) The state toxics control account and local toxics control
24 account and clean-up program, chapter 70.105D RCW;
- 25 (f) The acquisition of habitat conservation and outdoor recreation
26 land, chapter 79A.15 RCW;
- 27 (g) The salmon recovery funding board, RCW 77.85.110 through
28 77.85.150;
- 29 (h) The community economic revitalization board, chapter 43.160
30 RCW;
- 31 (i) Other state financial assistance to water quality-related
32 projects and activities; and
- 33 (j) Water quality financial assistance from federal programs
34 administered through state programs or provided directly to local
35 governments in the Puget Sound basin.

1 (2) The review shall be conducted in collaboration with the state
2 agencies that administer these programs.

3 (3) The council's review shall include but not be limited to:

4 (a) Conducting an overview of the program governing laws and
5 policies, the timelines of application processes and projects, existing
6 performance measures used, and the programming limitations and
7 restrictions;

8 (b) Determining the level of funding and types of projects and
9 activities funded through the programs that contribute to
10 implementation of the Puget Sound agenda;

11 (c) Evaluating the procedures and criteria in each program for
12 determining which projects and activities to fund, and their
13 relationship to the goals and priorities of the Puget Sound agenda;

14 (d) Assessing methods for ensuring that the goals and priorities of
15 the Puget Sound agenda are given priority when program funding
16 decisions are made regarding water quality-related projects and
17 activities in the Puget Sound basin and habitat-related projects and
18 activities in the Puget Sound basin;

19 (e) Modifying funding criteria so that projects, programs, and
20 activities that are inconsistent with the action agenda are ineligible
21 for funding;

22 (f) Assessing ways to incorporate a strategic funding approach for
23 the Puget Sound agenda within the outcome-focused performance measures
24 required by RCW 43.41.270 in administering natural resource-related and
25 environmentally based grant and loan programs;

26 (g) Assessing ways through the funding allocations for Puget Sound
27 to reflect the geographic areas of Puget Sound for cleanup emphasis
28 identified in the Puget Sound agenda;

29 (h) Evaluating the form of the assistance provided, such as low-
30 interest and no-interest loans, grants, and technical assistance, and
31 which forms of assistance are more appropriate in accomplishing
32 different types of projects and activities needed for implementing the
33 Puget Sound agenda;

34 (i) Whether entities that are private or quasi-public in nature and
35 not now eligible to receive funding from the programs should be made
36 eligible to seek funding, and what conditions upon funding would ensure
37 that the public's interest in fiscal accountability and transparency in
38 the use of public funds is protected;

1 (j) Whether additional types of projects or activities should be
2 made eligible for funding where the projects or activities are
3 consistent with the primary purposes of the program and will also
4 contribute to implementation of the Puget Sound agenda;

5 (k) Whether state policies for the disposal, acquisition, or
6 development of state lands are compatible or contrary to the goals and
7 priorities of the Puget Sound agenda;

8 (l) The rigor of evaluation of project application in each program
9 regarding assumptions and estimations of project benefits, including
10 contributions toward implementation of the Puget Sound agenda; and

11 (m) Recommendations for improving the programs to further the Puget
12 Sound action agenda and to integrate the Puget Sound partnership in
13 project awards relating to or contributing to Puget Sound restoration
14 and protection.

15 (4) In addition to the review required in subsection (2) of this
16 section, the salmon recovery funding board and the council shall review
17 the roles of the board and the council in funding salmon recovery
18 projects and activities in Puget Sound. The board and council shall
19 include recommendations for integrating these activities to reduce
20 administrative costs of grant monitoring and to ensure that the
21 priorities for salmon recovery projects funded by the board and the
22 priorities of the 2020 plan and action agenda are aligned.

23 (5) The state agencies and boards administering the programs
24 specified in subsection (1) of this section shall cooperate in
25 providing to the council information as required for the council's
26 review. The council shall provide its recommendations in draft form to
27 each of the administering agencies and consider their comments prior to
28 finalizing the council's review and recommendations.

29 (6) By November 1, 2008, the council shall provide a preliminary
30 summary of its review and recommendations to the governor and
31 appropriate fiscal and policy committees of the senate and house of
32 representatives. By November 1, 2009, the council shall provide final
33 summary and recommendations, including proposed legislation to
34 implement the recommendation, to the governor and appropriate fiscal
35 and policy committees of the senate and house of representatives.

36 NEW SECTION. **Sec. 302.** RCW 90.71.005, 90.71.902, and 90.71.903
37 are each decodified.

1 NEW SECTION. **Sec. 303.** RCW 90.71.100 is recodified as a new
2 section in chapter 70.118 RCW.

3 NEW SECTION. **Sec. 304.** The following acts or parts of acts are
4 each repealed:

- 5 (1) RCW 90.71.010 (Definitions) and 1996 c 138 s 2;
- 6 (2) RCW 90.71.015 (Environmental excellence program agreements--
7 Effect on chapter) and 1997 c 381 s 30;
- 8 (3) RCW 90.71.020 (Puget Sound action team) and 1998 c 246 s 14 &
9 1996 c 138 s 3;
- 10 (4) RCW 90.71.030 (Puget Sound council) and 1999 c 241 s 3 & 1996
11 c 138 s 4;
- 12 (5) RCW 90.71.040 (Chair of action team) and 1996 c 138 s 5;
- 13 (6) RCW 90.71.050 (Work plans) and 1998 c 246 s 15 & 1996 c 138 s
14 6;
- 15 (7) RCW 90.71.070 (Work plan implementation) and 1996 c 138 s 8;
- 16 (8) RCW 90.71.080 (Public participation) and 1996 c 138 s 9;
- 17 (9) RCW 90.71.900 (Short title--1996 c 138) and 1996 c 138 s 15;
- 18 and
- 19 (10) RCW 90.71.901 (Captions not law) and 1996 c 138 s 14.

20 NEW SECTION. **Sec. 305.** Sections 101 through 105 and 107 through
21 122 of this act are each added to chapter 90.71 RCW.

22 NEW SECTION. **Sec. 306.** Sections 201 through 209 of this act take
23 effect July 1, 2008.

24 NEW SECTION. **Sec. 307.** Sections 101 through 131 and 301 through
25 304 of this act are necessary for the immediate preservation of the
26 public peace, health, or safety, or support of the state government and
27 its existing public institutions, and take effect July 1, 2007.

--- END ---